



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q69170

Kei YAMANA, et al.

Appln. No.: 10/089,600

Group Art Unit: 1642

Confirmation No.: 2994

Examiner: Minh Tam DAVIS

Filed: March 29, 2002

For: A NOVEL POLYPEPTIDE AND GENE ENCODING THE SAME

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, along with a copy of the corresponding Communication from a Foreign Patent Office.

The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore Applicant is filing

INFORMATION DISCLOSURE STATEMENT  
U.S. Appln. No.: 10/089,600

Q69170

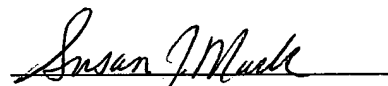
concurrently herewith a Statement Under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

  
Susan J. Mack  
Registration No. 30,951

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: July 19, 2004



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**STATEMENT UNDER 37 C.F.R. § 1.704(d)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and that the communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of said Information Disclosure Statement.

SUGHRUE MION, PLLC  
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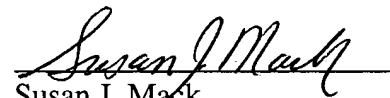
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Substitute for Form 1449 A & B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)				Complete if Known	
Sheet 1 of 1				Application Number	10/089,600
				Confirmation Number	2994
				Filing Date	March 29, 2002
				First Named Inventor	Kei YAMANA
				Art Unit	1642
				Examiner Name	Minh Tam DAVIS
				Attorney Docket Number	Q69170

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>2</sup> (if known)		
		US			

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		WO	01/53344				
		WO	01/48203				
		WO	01/16318				
		WO	01/40466				
		WO	00/78961				
		WO	01/22920				
		WO	00/43495				

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>
		HIRAKI, Yuji, et al. "Molecular cloning of human chondromodulin-I, a cartilage-derived growth modulating factor, and its express in Chinese hamster ovary cells", European Journal of Biochemistry, vol. 260, No. 3, March 1999, pages 869-878, XP002279021 ISSN: 0014-2956	
		Database EBI 'Online! 14 September 1999 Lawlor S.: Human DNA sequence from clone RP3-419J7 on chromosome Xq21.33-23. Contains part of a gene similar to chondromodulin-1." Database accession no. AL035608 XP002279022	Abstract
		Database EBI 'Online! Est, 18 December 1994 LIEW C.C.: "A533F heart Homo sapiens cDNA clone A533 similar to chondromodulin, mRNA sequence." Database accession No. T12179 XP0022979023	Abstract
		Database EBI 'Online! Est, 18 March 1997 Adams M.D.: "EST112774 Embryo, 12 week Homo sapiens cDNA 5' end similar to chondromodulin 1." Database accession No. AA297231 XP002279024	Abstract
		Database EBI 'Online! Est, 1 July 1998 NCI-CGAP: "ox30b10.s1 Soares_total_fetus_Nb2HF8_9w Homo sapiens cDNA clone IMAGE: 1657819 3' similar to SW:CHM1_BOVIN P17404 chondromodulin-1, Mrna sequence." Database accession no. A1039039 XP002279025	Abstract
		Database EBI 'Online! Est, 29 March 2000 NCI-CGAP: "ur24h02.y1 Soares_mouse_NMBP Mus musculus cDNA clone IMAGE: 302529 similar to TR:q9yi63 Chondromodulin-1 Precursor, mRNA sequence" Database accession no. AW743952 XP002279026	Abstract
		Database EBI 'Online! Est, 18 July 1996 Marra M.: mf97e12.rl Soares mouse embryo NbME13.5 14.5 Mus musculus cDNA clone IMAGE: 422254 5' similar to SW: CHM1_bovin p17404 chondromodulin-I, mRNA sequence" Database accession No. W97621 XP002279027	Abstract
		Database EBI 'Online! EST, 4 March 2000 Lee N. H.: EST291897 Normalized rat embryo, Bento Soares Rattus sp. cDNA clone 5' end similar to chondromodulin-I, mRNA sequence" Database accession No. AW144807 XP002279028	
		European Supplemental Search Report	

Examiner Signature	Date Considered
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\* Did not receive

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to indicate here if English language Translation is attached.



# **BOX 2 OF 4**

## **FILING RECEIPT**

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3. Statement Under 37 C.F.R. § 1.704(d)
4. 4 Boxes of References

SUGHRUE MION, PLLC

Telephone: (202) 293-7060

Facsimile: (202) 293-7860

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